

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

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JOHN J. VAUGHN, )  
GERALD A. KALBFLEISCH, and )  
MICHAEL AND MYRTLE HATHAWAY, )

No: 1:04-CV-10988

Plaintiffs, )

v. )

PUTNAM INVESTMENT )  
MANAGEMENT, LLC and PUTNAM )  
RETAIL MANAGEMENT LIMITED )  
PARTNERSHIP, )

Defendants. )  
\_\_\_\_\_

**PLAINTIFFS' ASSENTED - TO MOTION FOR LEAVE TO FILE A SURREPLY IN  
OPPOSITION TO MOTION FOR PROTECTIVE ORDER AS TO THE DEPOSITION  
OF FUND TRUSTEE CHARLES HALDEMAN**

Pursuant to Local Rule 7.1 (B)(3), Plaintiffs John J. Vaughn, Gerald A. Kalbfleisch, Michael Hathaway, and Myrtle Hathaway respectfully request leave of Court to file a surreply in opposition to the Motion for Protective Order as to the Deposition of Fund Trustee Charles Haldeman. The Surreply briefly provides clarification of arguments made in Defendants' and Haldeman's Reply that Plaintiffs believe will assist the Court in its consideration of the Motion for Protective Order. The proposed Surreply is attached as Exhibit 1.

WHEREFORE, Plaintiffs respectfully request that this Court grant leave to submit the Surreply attached as Exhibit 1.

**LOCAL RULE 7.1 (A)(2) CERTIFICATION**

As noted in Defendants' and Haldeman's Motion for Leave to File a Reply (D.E. #126), counsel for the parties have conferred and counsel for Defendants and Haldeman assent to the relief requested by Plaintiffs.

Dated: May 21, 2007.

Respectfully Submitted,

JOHN J. VAUGHN, GERALD A.  
KALBFLEISCH, and MICHAEL HATHAWAY  
and MYRTLE HATHAWAY,

/s/ David E. Marder  
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**CERTIFICATE OF SERVICE**

I, David E. Marder, hereby certify that this document filed through the ECF system on May 21, 2007 will be served electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those non-registered participants.

/s/ David E. Marder

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